

APPEAL NO. 040855  
FILED MAY 24, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on March 18, 2004. The hearing officer resolved the disputed issues by deciding that the claimed date of injury is \_\_\_\_\_; that the appellant (claimant) did not sustain a compensable injury; that the claimant has not had disability; that the respondent (carrier) is relieved of liability under Section 409.002 because the claimant failed to timely notify his employer of his claimed injury pursuant to Section 409.001; and that the carrier is relieved of liability under Section 409.004 because the claimant failed to timely file a claim for compensation with the Texas Workers' Compensation Commission within one year of the date of the injury as required by Section 409.003. The claimant appeals the hearing officer's determinations on all of the disputed issues, except for the determination on the claimed date of injury. The carrier asserts that sufficient evidence supports the hearing officer's determinations on the appealed issues.

DECISION

Affirmed.

The claimant had the burden of proof on the disputed issues of compensable injury, disability, timely notice of injury to the employer, and timely filing of a claim for compensation. Conflicting evidence was presented at the CCH. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. The trier of fact may believe that a claimant has an injury, but disbelieve that the injury occurred in a work-related accident as claimed. Although there is conflicting evidence in this case, we conclude that the hearing officer's determinations on the appealed issues are supported by sufficient evidence and are not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

We affirm the hearing officer's decision and order.

The true corporate name of the insurance carrier is **HARTFORD INSURANCE COMPANY OF THE MIDWEST** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM  
350 NORTH ST. PAUL STREET  
DALLAS, TEXAS 75201.**

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Robert W. Potts  
Appeals Judge

CONCUR:

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Gary L. Kilgore  
Appeals Judge

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Veronica L. Ruberto  
Appeals Judge